United Nations S/AC.44/2017/1

Security Council

Distr.: General
17 May 2017

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 12 May 2017 from the Permanent Mission of Pakistan to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Pakistan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to transmit herewith the report of Pakistan on the implementation of resolution 1540 (2004) (see annex).

17-08019 (E) 230517

Please recycle

Annex to the note verbale dated 12 May 2017 from the Permanent Mission of Pakistan to the United Nations addressed to the Chair of the Committee

Report of Pakistan on the implementation of Security Council resolution 1540 (2004)

Pakistan filed reports in 2004, 2005 and 2008 on the implementation of Security Council resolution 1540 (2004). In addition, Pakistan submitted a national report in 2009 as part of its views on the comprehensive review of resolution 1540 (2004).

This fifth submission contains an update on additional statutory and operational control measures taken by Pakistan since 2008, pursuant to resolution 1540 (2004).

As a responsible nuclear-weapon State, Pakistan remains committed to preventing the proliferation of weapons of mass destruction and their means of delivery to non-State actors. Pakistan has instituted robust export control measures and mechanisms that are on a par with the highest international standards.

As part of efforts to promote global non-proliferation goals, Pakistan hosted a two-day regional seminar on the implementation of resolution 1540 (2004) in Islamabad on 14 and 15 March 2017, in collaboration with the 1540 Committee and the United Nations Office for Disarmament Affairs.

Representatives from 18 countries from South and Central Asia, as well as Turkey, China and Russia, and officials from the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons (OPCW) and the International Criminal Police Organization participated actively in the seminar to, inter alia, share national experiences and effective practices as well as to emphasize the key role of assistance to strengthen implementation of resolution 1540 (2004).

Pakistan stands ready to make a meaningful contribution to the multilateral export control regimes as a full member and through engagement, cooperation and assistance. As part of this policy, Pakistan formally declared its "adherence to the objectives of the Nuclear Suppliers Group (NSG) and its decision to act in accordance with the NSG guidelines on transfer of nuclear material, equipment and related technologies, including dual-use items". The document was circulated by IAEA on 18 May 2016 (INFCIRC/254/Rev.12/Part 1/Add.2, INFCIRC/254/Rev.9/Part 2/Add.2).

Statutory measures

The 2007 National Command Authority (NCA) Ordinance was approved by the National Assembly as the NCA Act — 2010. The Act provides for enhanced legal coverage of security and safety measures on all matters concerning nuclear establishments, systems, materials, personnel and information.

Pakistan, as a party to the Convention on the Physical Protection of Nuclear Material, ratified the 2005 Amendment thereto in March 2016. Work is under way to align the national legal and regulatory framework with the provisions of the Amendment.

The Strategic Export Control Division issued Export Control (Licensing and Enforcement) Rules — 2009, notified vide Statutory Regulatory Order (SRO) 450 (I)/2009. These rules define the complete processes for registration, licensing, enforcement, investigation and prosecution and other licensing-related matters in

the areas covered under the 2004 Pakistan Strategic Export Control Act (SECA — 2004).

Pursuant to the Chemical Weapons Convention Ordinance (2000), Pakistan notified SRO 205 (I)/2010 CWC (Implementation) Rules — 2010. These rules provide for the establishment of an advisory committee as well as administrative and penal measures related to inspections, disclosure or registration.

Pakistan periodically reviews and revises the Control Lists of goods, technologies, material and equipment related to nuclear and biological weapons and their systems of delivery in order to keep abreast of the latest technological and export control developments, both at the national and international levels.

Since their initial notification in 2005 (SRO 1078 (I)/2005), the Lists have been updated and revised three times, through the Inter-Ministerial Joint Working Group. The latest review of the Lists was carried out in 2016 and notified vide SRO 1142 (I)/2016, dated 18 November 2016. The Lists were circulated as an information circular by IAEA on 17 February 2017 (INFCIRC/913). They are harmonized with those maintained by NSG, the Missile Technology Control Regime and the Australia Group.

Other measures to augment national export controls

Since its establishment in 2007, the Strategic Export Control Division has continued to take steps to further strengthen Pakistan's national export controls architecture. The Oversight Board, in place since 2007, continues to provide guidance to the Division and other inter-agency partners on the effective implementation of SECA 2004.

Pursuant to SECA 2004 and with a view to promoting self-regulation and compliance and to strengthening Intangible Technology Transfer controls, comprehensive "Guidelines on the Internal Compliance Programme (ICP)" were notified in 2014 vide Gazette Notification No. 2(24)/2013-SECDIV(P).

In addition, Pakistan issued Policy Guidelines on Strategic Export Controls, notified vide SRO 442 (I)/2016, dated 11 May 2016.

The "catch-all" controls over sensitive dual use goods have been further strengthened through the ICP and Policy Guidelines. Both sets of guidelines are in line with international best practices and guidelines followed by international export control regimes.

The Export Policy Order, which serves as a component of the national export control regime, provides a standing framework on prohibitions, restrictions and conditions for exports. The Order is periodically revised by the Ministry of Commerce. The Export Policy Order — 2016, notified vide SRO 344 (I)/2016, has been made more precise and simplified in order to remove ambiguities, address possible gaps that may arise from overlapping domains and make clearer the regulatory jurisdiction over sensitive dual-use goods and technologies.

Pakistan regularly conducts commodity identification training for capacity-building of enforcement agencies with a view to further enhancing their abilities in the inspection, identification and interdiction of dual use goods. Special training modules on strategic export controls have also been introduced in the curriculum at the Pakistan Customs Training Academy.

The Strategic Export Control Division undertakes periodic targeted outreach to academia, research institutions, the business community and the general public to raise awareness and enhance implementation of national export control laws. The

Division also conducts seminars, in collaboration with the Higher Education Commission, exclusively for academia and researchers.

To further improve inter-agency coordination and the licence review mechanism, a committee of focal persons has been constituted since December 2016. This provides a permanent forum for consultations and coordination on export licensing matters.

Since 2016, an Inter-Ministerial Inspection and Enforcement Team has been constituted to ensure effective implementation of Security Council sanctions resolutions, including those relating to the Democratic People's Republic of Korea.

Safety, security and border controls

Pakistan accords the highest priority to safety and security issues pertaining to chemical, biological, nuclear and radiological areas.

Pakistan actively participated in the Nuclear Security Summit process that concluded in 2016. Pakistan supported the Action Plan related to resolution 1540 (2004), which was appended to the 2016 Summit Communiqué.

Pakistan also remains actively engaged with the Global Initiative to Combat Nuclear Terrorism and has contributed to the development of its guidance documents.

The existing laws and regulations pertaining to applications of biology provide the necessary legal basis for Pakistan to meet its obligations under the Biological Weapons Convention. Draft legislation is under consideration to broaden the scope of national measures, including in areas related to resolution 1540 (2004). In this context, Pakistan's national controls and regulatory measures provide a framework to address risks relating to misuse of biological toxins.

In addition to biosafety rules and biosafety guidelines issued in 2005, "Ethical guidelines for collection, usage, storage and exports of human biological material" were issued in 2016 by the Pakistan Health Research Council.

Pakistan is one of the few States parties to the Chemical Weapons Convention that has developed a wide area network (WAN) to exchange and collate nationwide information pertaining to the import, export, storage and production of chemicals, in electronic format, from all relevant national stakeholders.

Pakistan has been hosting international courses on assistance and protection on an annual basis since 2011. In recognition of Pakistan's contribution to implementation of the Convention, OPCW identified Pakistan as one of the States parties to the Convention to have established a regional Assistance and Protection Centre. Pakistan established this centre in 2015.

The Pakistan National Authority on implementation of the Chemical Weapons Convention organizes regular courses aimed at outreach, awareness-raising, enforcement, assistance and protection, safety and security areas.

Pakistan is a party to important international instruments and conventions related to nuclear safety and security, for example, the Convention on Physical Protection of Nuclear Material, including the 2005 Amendment thereto, the Convention on Nuclear Safety, the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency. Pakistan continues to further enhance its nuclear security systems consistent with international standards and recommendations contained in INFCIRC/225/Rev.5 and other IAEA nuclear security documents, including the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

Pakistan successfully implemented the National Nuclear Security Action Plan between 2006 and 2013, in collaboration with IAEA. As part of this Plan, physical protection of nuclear medical centres, nuclear power plants and other nuclear facilities has been upgraded. Further upgrades are under way. Regulations on "Physical Protection of Nuclear Material(s) and Nuclear Installation(s)" and "Security of Sealed Radioactive Sources" are also under development.

Pakistan has been maintaining a national register of radioactive sources for the last three decades. The register follows the principle of cradle-to-grave. The Pakistan Nuclear Regulatory Authority maintains a support unit to provide technical and scientific services during and after a nuclear security event and expert advice on these matters. The unit is equipped with related laboratory tools, equipment, software and expert support. Pakistan continues to participate in the IAEA Incident and Trafficking Database.

Pakistan conducts regular training courses in the area of physical protection, radiation safety and security, in partnership with IAEA. Pakistani nuclear experts participate in IAEA missions, including for assessment of regulatory infrastructure of countries embarking on a nuclear power programme. Pakistan also provides experts for implementing training courses, workshops, conferences and seminars at the international level in the areas of nuclear safety and security.

In 2015, Pakistan established a Physical Protection Exterior Laboratory. The National Institute of Safety and Security, which functions under the Pakistan Nuclear Regulatory Authority, conducts regular training courses and workshops for professionals, technicians and managers in the fields of nuclear safety, nuclear security and radiation safety.

Pakistan established a state of the art Centre of Excellence on Nuclear Security in 2012. The Centre has grown into a regional and international hub for nuclear security training.

The Centre conducts specialized courses for the dedicated Nuclear Security Force, with a focus on intelligence, counter-intelligence, the Human Reliability Programme, material control, accountancy and physical protection of nuclear materials, including during transport. It has hosted several national, regional and international-level training courses. Over 22,000 persons have been trained as part of the Nuclear Security Force. In addition, the Centre periodically organizes workshops and seminars in collaboration with IAEA in various areas related to nuclear security and safety.

In 2015, the Centre hosted the annual meeting of the International Network for Nuclear Security Training and Support Centres. The meeting was attended by over 50 participants from 33 countries. It was the first time that IAEA held the Network meeting outside its headquarters in Vienna.

Pakistan attaches high importance to the strengthening of border controls. Over the years, several measures have been taken in this regard. As part of these steps, additional detection equipment has been deployed at entry and exit points.

Assistance and cooperation

Pakistan considers technical assistance and capacity-building to be key enablers in the effective implementation of resolution 1540 (2004), in particular by developing countries. In recognition of the importance of this area, a key theme of the Islamabad regional seminar on the implementation of resolution 1540 (2004) was the role of international assistance and cooperation. This subject also emerged as one of the focus areas during the comprehensive review on the status of implementation of resolution 1540 (2004) in December 2016.

Over the years, Pakistan has acquired considerable experience and expertise in the safe and secure utilization of nuclear energy as well as in the application of chemistry and biology for peaceful purposes.

Pakistan stands ready to offer its assistance to interested States and in response to specific requests in those areas where it has gained expertise, including those relating to the implementation of resolution 1540 (2004). Some of these areas include capacity-building, technical assistance and training:

- Regulatory infrastructure in export controls, safety and security of nuclear and radioactive materials
- Commodity identification training for enforcement officials
- Training for licensing officers
- Internal compliance
- Industry outreach and public awareness-raising
- Academic and specialized courses in the field of nuclear safety and nuclear security
- Assistance and protection courses as well as chemical safety and security courses related to the Chemical Weapons Convention.

Conclusion

The measures and steps outlined above are a demonstration of Pakistan's commitment and contribution to the global non-proliferation goals as a responsible State with advanced scientific and technological capabilities.

Pakistan fully supports effective controls to prevent the misuse of strategic goods for malicious purposes. At the same time, there is a need to maintain a careful balance between the imperatives of security and legitimate development needs of States, particularly developing countries.

Pakistan has the requisite credentials and expertise to be a full member of the international export control bodies. As a first step, Pakistan has sought membership in the Nuclear Suppliers Group. Pakistan hopes that the Group would adhere to transparent, objective and non-discriminatory criteria that ensure equal treatment of the membership applications of States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons, thereby strengthening the non-proliferation regime.